

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RIVA JANES, BRUCE SCHWARTZ,  
BETTE GOLDSTEIN, and HILLEL  
ABRAHAM individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

TRIBOROUGH BRIDGE AND TUNNEL  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY, JAY  
H. WALDER, as Chairman and Chief  
Executive Officer of the Metropolitan  
Transportation Authority, and JAMES  
FERRARA, as President of the Triborough  
Bridge and Tunnel Authority,

Defendants.

No. 06-CV-1427 (PAE) (HBP)

ECF Case

**DECLARATION OF JEFFREY A. KLAFTER IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, JEFFREY A. KLAFTER, declare under the penalty of perjury and state as follows:

1. I am a member of the bar of this Court and a partner at Klafter Olsen & Lesser LLP, attorneys for Plaintiffs in the above-captioned case. I submit this Declaration in Opposition to Defendant's Motion for Summary Judgment.

2. Attached to this Declaration as Exhibit A hereto is a true and accurate copy of the referenced pages of the transcript of the deposition of Fredericka Cuenca, the MTA's Director of Corporate Initiatives.

3. Attached to this Declaration as Exhibit B hereto is a true and accurate copy of the referenced pages of the transcript of the deposition of Hilary D. Ring, the MTA's Director of Government Affairs.

4. Attached to this Declaration as Exhibit C hereto is a true and accurate copy of the transcript of the deposition of Michael Minunni, TBTA's Director of Revenue Audit, and Exhibit 1 thereto.

5. Attached to this Declaration as Exhibit D hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Daniel Jacobs, TBTA's Director of Planning and Analysis.

6. Attached to this Declaration as Exhibit E hereto is a true and accurate copy of Exhibit 1 to the Deposition of Daniel Jacobs.

7. Attached to this Declaration as Exhibit F hereto is a true and accurate copy of Exhibit 3 to the Deposition of Daniel Jacobs.

8. Attached to this Declaration as Exhibit G hereto is a true and accurate copy of Exhibit 5 to the Deposition of Daniel Jacobs.

9. Attached to this Declaration as Exhibit H hereto is a true and accurate copy of Exhibit 4 to the Deposition of Daniel Jacobs.

10. Attached to this Declaration as Exhibit I hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Plaintiff Bette Goldstein.

11. Attached to this Declaration as Exhibit J hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Plaintiff Hillel Abraham.

12. Attached to this Declaration as Exhibit K hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Plaintiff Riva Janes.

13. Attached to this Declaration as Exhibit L hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Plaintiff Bruce Schwartz.

14. Attached to this Declaration as Exhibit M hereto are true and accurate copies of the referenced pages of the transcript of the deposition of Defendants' expert, Kenneth A. Small.

15. Attached to this Declaration as Exhibit N hereto is a true and accurate copy of Exhibit 6 to the Deposition of Hilary Ring.

16. Attached to this Declaration as Exhibit O hereto is a true and accurate copy of the MTA's New York City Subway Map.

17. Attached to this Declaration as Exhibit P hereto is a true and accurate copy of the MTA's Queens Bus Map and the schedule and cost of ferry service from the Rockaways to Wall Street.

18. Attached to this Declaration as Exhibit Q hereto is a true and accurate copy of Google driving directions from Rockaway Beach to the Nassau Expressway and MapQuest driving instructions from Avenel to the Van Wyck Expressway.

19. Attached to this Declaration as Exhibit R hereto is a true and accurate copy of Exhibit 1 to the Deposition of Kenneth Small.

20. Attached to this Declaration as Exhibit S hereto is a true and accurate copy of Exhibit 5 to the Deposition of Kenneth Small.

Executed on August 23, 2013

/s/ Jeffrey A. Klafter  
Jeffrey A. Klafter